

UNITED STATES BANKRUPTCY COURT
Southern District of California

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. **PASSWORDS.** Each attorney admitted to practice in this court shall be entitled to one Electronic Filing System (“System”) password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a password is governed by Paragraph I.B.

B. **TRAINING.**

1. An attorney may complete the pre-class training online on the Court’s Internet site at *www.casb.uscourts.gov* in *Front Counter*.
2. Each attorney who successfully completes the Electronic Case Files training shall receive a login and password. This login and password shall be e-mailed directly to the attorney by the Court’s Systems Department.
3. Once certified in the System, an attorney/participant may withdraw from participation in the System by providing the Clerk of Court, Chief Deputy Clerk or Systems Department with notice of such withdrawal. Such notice must be in writing. Upon receipt, the Office of the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. **FILING.**

1. Except as expressly provided in Paragraph III.A below and in exceptional circumstances which prevent an attorney/participant from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the court in connection with a case assigned to the System shall be electronically filed on the System. Notwithstanding the

foregoing, parties and attorneys who are not participants in the System are not required to electronically file pleadings and other papers in a case assigned to the System.

2. All documents which form part of a pleading and which are being filed at the same time and by the same party may be electronically filed together under one docket number; e.g., the motion and an attached supporting affidavit, with the exception of a memorandum of law. A memorandum of law shall be filed separately and shown as a related document to the motion.
3. Emergency motions, supporting pleadings and objections shall be filed electronically as provided in these *Administrative Procedures*. The party filing the motion shall advise the judge's law clerk of the filing by phone.

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.
2. The filing party shall serve the pleading or other paper upon all person entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with Paragraph II.B.3 below.
3. If the recipient of notice or service is a registered participant in the Electronic Filing System, service of the Notice of Electronic Filing by electronic means shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

C. SIGNATURES; STATEMENT OF SOCIAL SECURITY NUMBER; AFFIDAVITS OF SERVICE.

1. Petitions, lists, schedules and statements requiring the signature of the debtor(s) shall be filed electronically with an originally executed *DECLARATION RE: ELECTRONIC FILING, Local Form CSD 1801*, and *STATEMENT OF SOCIAL SECURITY NUMBER, Official Bankruptcy Form B21*, filed with the court within 15 days of the electronic filing of the petition.

2. Amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically. The original signed document shall be maintained by the attorney of record or the party originating the document for a period not less than the maximum allowable time to complete the appellate process. Upon request, the original document must be provided to other parties or the court for review. The pleading or other document electronically filed shall indicate a signature; e.g., "/s/ Jane Doe."

D. FEES PAYABLE TO THE CLERK. For filings that require a fee, payment shall be made online using one of the specified credit cards.

E. ORDERS. Stipulated, emergency, ex parte, non-contested, and lodged orders may be submitted electronically as outlined below.

1. Electronically submitted orders must comply with all Local Bankruptcy Rules.
2. Electronically submitted orders may not be combined with the application or motion into one document. The application or motion must be entered on the docket prior to submitting the order electronically and the resulting *Docket Entry No.* must be noted on the order template.
3. The first page of any electronically submitted order must substantially conform with the appropriate order template (CSD 1001A-C, CSD 1159A-C, and CSD 3000A-C) maintained by the Court for standard orders, orders shortening time and lodged orders. The signature line must be fixed at 4.5 inches from the left edge of the paper and 3 inches from the bottom edge of the paper. Signatures approving orders will be affixed electronically providing for little tolerance in this area. Orders which do not comply will be returned as defective.
4. Exhibits required by Local Bankruptcy Rules 4001-5 and 9013-7 may be referenced according to the specific *Docket Entry No.* assigned to the document at the time of its entry.
5. All orders must be in a PDF format at the time of submission.

6. When electronically lodging an order after hearing, compliance with Local Bankruptcy Rule 7054-3(b)(a)(D) requiring the Notice of Entry and envelopes is waived.
7. Electronic orders shall be submitted by accessing the System.
8. Notification of defects in an order will be provided by *REPLY* e-mail.
9. Once entered, a conformed copy of the order may be obtained by accessing the System.

F. TITLE OF DOCKET ENTRIES. The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the categories contained in the *Document Type Directory*.

III. CONVENTIONAL FILING OF DOCUMENTS

A. CONVENTIONAL FILINGS. The following documents shall be filed conventionally and not electronically unless specifically authorized by the court:

1. Documents to be Filed under Seal. A motion to file document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Office of the Clerk.
2. Exhibits. Exhibits, including but not limited to leases, notes, and the like, which are not available in electronic form, shall be filed conventionally with a copy of the Notice of Electronic Filing to indicate the referenced document. Wherever possible, however, such documents, or the relevant portions thereof, should be electronically imaged (i.e., "scanned") and filed using the Portable Document Format (PDF).

B. SERVICE OF CONVENTIONAL OR 3.5 INCH FLOPPY DISK FILINGS. Pleadings or other documents which are filed conventionally or on a 3.5 inch floppy disk rather than electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules except as otherwise provided by order of the court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. INTERNET ACCESS WITHOUT A PASSWORD. Any person or organization other than those referred to in Paragraph I.B must register with PACER and receive a login and password in order to access court records online. Information regarding PACER may be found on the Court's Internet site at www.casb.uscourts.gov in *File Room*.

B. PUBLIC ACCESS AT THE COURT. The public will have electronic access to the electronic docket and documents filed in the System at the Office of the Clerk, for viewing during regular business hours, Monday through Friday.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES. Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, 325 West "F" Street., San Diego, California 92101-6991. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.